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7

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOEY CARDIEL,

15 Defendant.  
16

Case No. 1:22-CR-00041-NODJ-BAM

STIPULATION TO MODIFY MOTION  
BRIEFING SCHEDULE; ORDER

Date: April 15, 2024  
Time: 11:00 a.m.  
Judge: TBD

17  
18 **IT IS HEREBY STIPULATED**, by and between the parties, through their respective  
19 counsel, Assistant United States Attorney Antonio J. Pataca, counsel for plaintiff, and Assistant  
20 Federal Defender Eric V. Kersten, counsel for defendant Joey Cardiel, that the existing motion  
21 briefing schedule may be modified, with the April 15, 2024 district court hearing date remaining  
22 unchanged. [Doc. 25.]

23 On January 3, 2024 a motion briefing schedule was set with motions due February 19,  
24 2024; opposition due March 18, 2024; any reply due April 1, 2024; and the motion hearing  
25 before this court on April 15, 2024. To allow additional time for defense investigation and  
26 further attempts to reach a negotiated settlement prior to filing the parties request that the motion  
27 briefing schedule be modified with motions due March 4, 2024; opposition due April 1, 2024;  
28 and any reply due April 8, 2024. The motion hearing date will remain April 15, 2024.

Time has previously been excluded under the Speedy Trial Act in the interests of justice, including but not limited to, the need for the period of time set forth herein for effective defense preparation and investigation, plea negotiations; and for the filing of motions and the court's ruling thereon pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

Respectfully submitted,

PHILLIP A. TALBERT  
United States Attorney

DATED: February 16, 2024

/s/ Antonio J. Pataca  
ANTONIO J. PATACA  
Assistant United States Attorney  
Attorney for Plaintiff

HEATHER E. WILLIAMS  
Federal Defender

DATED: February 16, 2024

/s/ Eric V. Kersten  
ERIC V. KERSTEN  
Assistant Federal Defender  
Attorney for Defendant  
JOEY CARDIEL

**ORDER**

**IT IS SO ORDERED.** The motion briefing schedule is modified as follows: motions due March 4, 2024; opposition due April 1, 2024; and any reply due April 8, 2024. The motion hearing date will remain as set. All time through the motions hearing and any ruling thereon shall be excluded for effective defense preparation and for the filing and ruling on any motion pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: February 20, 2024

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE